

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
APRIL 24, 2014**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Angelo Colasante, Chair; Jeffrey Cohen, Vice Chair; Carol Amick, Clerk;  
Todd Crowley; Kay Hamilton; Arthur Smith

**ABSENT:** Jeffrey Dearing; Michelle Puntillo

Mr. Colasante read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

**PRESENTATION:** Ms. Amick read the notice of the hearing.

**PETITION #029-14** – Gaylord Garraway, for 11 Foster Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second floor addition and front porch within front yard setback.

Mr. Colasante explained that the voting members for this petition would be himself, Mr. Cohen, Ms. Amick, Mr. Crowley, and Ms. Hamilton.

Mr. Garraway greeted the Board and explained that his application involved two parts – a second floor addition and a porch. Regarding the second floor addition, he said that the first floor would not be altered, nor would the footprint of the foundation; they proposed to build up to increase their living space for bedrooms and bathrooms. He added that the only difference to the footprint would be a cantilever that would bump out approximately 1.5 feet. Mr. Garraway stated that the porch would be the only part of this proposal that encroached into the setback; the current house setback was 24.2 feet from the front property line, and the proposed porch would be 6 feet closer, at 18.2 feet from the line.

There was discussion about the dimensions of the proposed addition and porch.

Ms. Hamilton asked how far the cantilever would come out from the addition.  
Mr. Garraway replied that it would be approximately one or one and a half feet.  
Mr. Crowley asked whether the Board wanted to stipulate that number in the Special Permit. Mr. Colasante said he didn't feel it was necessary, since it wouldn't encroach any farther than proposed porch.

Mr. Cohen asked whether the applicant proposed any changes to the garage. Mr. Garraway said he did not have any plans for the garage other than perhaps changing the roof structure in the future, but it would be nothing that changed the footprint.

Mr. Colasante said that the Board often included a condition in the Special Permit that a porch such as this one not be enclosed in the future. He asked the applicant whether he would be amenable to such a condition; Mr. Garraway said that he was.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

**DELIBERATIONS:**

Mr. Colasante stated that this was a Special Permit application, and therefore the two requirements to grant it were that the project was in keeping with the intent and purpose of the Bylaw and was not substantially more detrimental or injurious to the neighborhood. He said his understanding was that this was a fairly dense neighborhood and this addition seemed to be in keeping with it. He added that he liked to see these kinds of applications, because it was encouraging to see homeowners with growing families adding on so they could stay in Bedford. He said that he supported this application. Mr. Cohen, Ms. Amick, and Mr. Crowley agreed. Ms. Hamilton said that the bump-out in the front certainly decreased the front yard, but there was enough width to the yard that it didn't feel overwhelming; she said she supported this application. Mr. Smith said it looked to be a handsome addition, although he wasn't sure it was a good idea to allow a porch to be built this far into the front yard setback. Mr. Colasante said he felt comfortable with the front porch as long as it had the condition that it would not be enclosed in the future.

**MOTION:**

Ms. Amick moved to grant Gaylord Garraway, for 11 Foster Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second floor addition and front porch within front yard setback, substantially as shown on Exhibit A (plot plan) and Exhibit B (elevation plan and floor plan) and subject to the condition that the porch shall not be enclosed.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Cohen, Amick, Crowley, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicant may apply for a Building Permit at the Code Enforcement Department.

Mr. Garraway thanked the Board for its time.

**PRESENTATION:** Ms. Amick read the notice of the hearing.

**PETITION #028-14** – Jennine Cortizas Blum, for 5 Maxwell Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct deck within rear yard setback and to construct roof over steps within front yard setback.

Mr. Colasante explained that the voting members for this petition would be himself, Mr. Cohen, Ms. Amick, Mr. Crowley, and Ms. Hamilton.

Ms. Blum greeted the Board and explained that she was having a new Cape-style home built at 5 Maxwell Road and hoped to add on a deck at the back and a roof over the front steps. She said the maximum size she wanted for the deck was 12 feet deep and 26 feet wide.

Mr. Colasante noted that the plans in the application also showed a ramp. Ms. Blum replied that her husband was in a wheelchair and therefore they also planned to build a handicapped-accessible ramp, probably at the back of the house, but after talking to Christopher Laskey, the Code Enforcement Director, her understanding was that the ramps were not subject to the zoning setbacks and she therefore did not include it in this application.

Mr. Colasante asked what the applicant meant when she mentioned the “maximum” size for the deck. Ms. Blum responded that she was not entirely sure yet exactly what dimensions she wanted the deck to be, so her builder suggested that she asked for the largest size she might want to at least have an approval for more. She stated that she would be happy to make the deck smaller if the Board thought the proposed deck was too large. Mr. Colasante said the Board would ultimately need a finalized dimension on which to make a vote.

There was extensive discussion about the size of the deck and the roof over the front steps, along with the dimensions shown on the plot plan.

Mr. Colasante opened the hearing to the public.

Carla Bradford, of 99 Fletcher, said she was the abutter directly behind 5 Maxwell Road and she had several concerns about this proposed deck. She said that the lot for 5 Maxwell Road is much higher and the backyard sloped down to her lot at 99 Fletcher Road. She said that she recently added an addition to the back of her house, and the new house at 5 Maxwell Road was so towering that anyone in the second floor of that house would be able to look down into her own house at 99 Fletcher Road; therefore, any encroachment, such as a deck, would be even more of an imposition than the new house already is. She said that there was a fence between the properties now but it was not high enough to block the view of the deck, and she wouldn't want a higher fence because it would block much-needed sunlight in her yard.

There was extensive conversation about the slope and topography of the two lots.

Mr. Colasante asked whether the applicant had ever considered just having a patio. Ms. Blum responded that, because her husband was in a wheelchair, they thought it would be much more difficult to have a patio; it would be easier for a wheelchair to move directly out from the house onto the deck. She said that the plans permitted along with the Building Permit showed a deck, so it would be strange if there were not a deck there because the back door wouldn't lead out to anything.

Mr. Cohen said it seemed strange that the permit plans allowed for a deck, since it was outside the zoning setback. Mr. Colasante said he would like to see the plans to determine whether that was the case. He called for a five minute recess while the ZBA assistant retrieved the plans from the Code Enforcement office.

Mr. Colasante reopened the hearing when the plans had been retrieved. The Board examined the approved plans. Mr. Cohen said that it did indeed appear that the approved plans included the deck. Mr. Crowley asked whether this now made a difference in regards to the Special Permit application. Mr. Cohen said that, regardless of whether this was a mistake by Code Enforcement or the applicant, the fact remained that the deck could not be built without ZBA approval, because it would encroach outside the rear yard setback.

Amy Lloyd, of 17 Fayette Road, said she was familiar with the construction process at 5 Maxwell Road stressed that Ms. Bradford's house was at the bottom of a considerable slope from the Maxwell Road house. She said that she believed this deck would be too close even if the houses were on the same level, but with the slope it felt even more injurious.

Ms. Blum said that the lots in this neighborhood were very close together, which could not be helped, but she felt this new home was an improvement over the house that used to be there.

Mr. Smith stated that he felt the Board did not have enough information to make a vote this evening. He said the Board needed to know the exact dimensions of the proposed deck so they knew just how it would affect the neighborhood, especially regarding the impact to Ms. Bradford's lot. He said he thought it would also be helpful for the Board members to do a site visit in order to better understand the site conditions. The other Board members agreed. After further discussion, it was concluded that the most appropriate course of action would be to continue this hearing in order to give the Board members a chance to view the site. Mr. Colasante suggested that the hearing be continued to the next meeting date, May 8. Ms. Blum said that was fine, and she would be happy to meet any members at the site.

Mr. Colasante called for a motion to continue the hearing.

**MOTION:**

Ms. Amick moved to continue Jennine Cortizas Blum, for 5 Maxwell Road, seeking a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct deck within rear yard setback and to construct roof over steps within front yard setback to May 8, 2014 at 7:30 PM.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Cohen, Amick, Crowley, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante stressed to the applicant that it was important that she draw exact dimensions on the plot plan so the Board has a specific plan on which to vote.

Ms. Blum thanked the Board members for their time and said she would see them on May 8.

**BUSINESS MEETING:**

**Meeting Minutes**

There was discussion about the minutes of the last three hearings, and the protocol of approving them.

**MOTION:**

Mr. Cohen moved to approve the minutes of the March 27 meeting, as amended.

Ms. Amick seconded the motion.

Voting in favor: Colasante, Cohen, Amick, and Hamilton

Voting against: None

Abstained: Crowley and Smith

The motion carried, 4-0-2.

**MOTION:**

Ms. Amick moved to approve the minutes of the March 13 meeting, as written.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Amick, Crowley, and Hamilton

Voting against: None  
Abstained: Cohen and Smith

The motion carried, 4-0-2.

**MOTION:**

Mr. Cohen moved to approve the minutes of the February 27 meeting, as amended.

Ms. Amick seconded the motion.

Voting in favor: Colasante, Cohen, and Crowley  
Voting against: None  
Abstained: Amick, Hamilton, and Smith

The motion carried, 3-0-3.

**Adjournment**

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Cohen, Amick, Crowley, Hamilton, and Smith  
Voting against: None  
Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 9:10 PM.

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Angelo Colasante, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant